

MAE News

Newsletter from the Office of Monitoring, Audit and Enforcement Maine Workers' Compensation Board

Summer 2016

Volume 12, Number 2



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Compliance Training for Employers/Insurers

October 27-28, 2016 is our last open training session scheduled for this year. The 2017 training dates are already set for January 26-27, April 20-21, June 29-30 and October 26-27. These sessions are free and open to everyone. We have found many experienced adjusters routinely attend these sessions as a refresher course or to keep up to date with any changes happening at the Board. To reserve a spot in any of these sessions, contact Kimberly Ward.

NEW CLASS FOR 2017. The Board is teaming up with the Department of Labor SafetyWorks! program to offer a half day course for employers on workers' compensation reporting requirements and other WC issues. It will be held at the SafetyWorks! Institute at DOL at 45 Commerce Drive in Augusta on March 7 and September 11, 2017, from 8:30 to 12:30. It will cover such items as filling out the First Report of Injury, completing the Wage Statement and Fringe Benefit Worksheet, reporting earnings both pre- and post-injury, the function of the Workers' Compensation Board, how the dispute resolution process works, and how benefits are actually determined. For more info, contact instructor Gordon Davis.

Interested in on-site training? The Board continues to be busy doing on-site sessions. These one-day sessions are very popular and are free within Maine and provided outside Maine for the cost of travel. The session covers form filing, AWW calculation, and benefit calculation under various scenarios. It also includes a review of the trainee's most recent audit and compliance reports. Contact Gordon Davis if you would like to know more about on-site training.

Medical Fee Schedule training is tentatively scheduled for December 1, 2016 in Augusta. More info to follow, contact Kimberly Ward if interested.

MAE Personnel Changes

Heather Goucher was hired as our new auditor in the Audit department. She previously worked as a tax examiner at Maine Revenue Services.

New Office Locations

The Portland Regional and Advocate Offices moved to 1037 Forest Avenue, Portland, ME 04103 in March of this year. The mailing address changed, but the phone numbers did not change.

In July, the Augusta Central Office moved to 442 Civic Center Drive, Suite 100, Augusta, ME 04330. Please note, the phone numbers and mailing address did NOT change for this office. However, deliveries requiring a physical location should use the new address above.

From the Office of Medical/Rehabilitation Services

Per Section 210 of the Statute and Chapter 7, Section 2 of the Rules, Utilization Review Agents providing or performing UR services "shall utilize Treatment Guidelines approved by the Workers' Compensation Board". Since the Board has not developed its own guidelines nor approved any nationally recognized evidence-based guidelines (e.g., ODG), workers' compensation utilization review cannot currently be conducted on Maine workers' compensation cases.

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Important "Reminders" from the Board

REMINDER- Make sure the Cost of Living Adjustment (COLA) was made for applicable claims with pre 1-1-93 dates of injury. Claims with post 1-1-93 dates of injury being paid at the maximum weekly benefit level (maximum rate) are also subject to an inflation adjustment each year. Please note that failing to make the COLA or maximum rate adjustment timely will result in a Section 205(3) violation/penalty.

If you have any questions regarding COLAs or max rates, please contact Debbie Morton at (207) 287-7053 or Debbie.Morton@Maine.Gov.

REMINDER- The Board requires that ALL forms filed with the Board have the Workers' Compensation Board Number (WCBN) on it. This helps ensure the form is placed in the correct file. Monitoring has noticed many missing requested forms are being filed with no WCBN.

REMINDER- A medical only First Report of Injury (FROI) must be changed to a lost time FROI when lost time occurs. Failure to do so will result in a Section 360(1) penalty assessed by the Abuse Investigation Unit. Monitoring has noticed a decrease in compliance for filing First Reports over the past year. This may be in part because insurers are not properly updating a medical only FROI.

REMINDER- If the Average Weekly Wage (AWW) is *not* specified in the terms of the WCB-4A Consent then it is expected that the correct AWW is used. If the AWW used to calculate the Consent is incorrect then the payment is incorrect.

REMINDER- When filing a WCB-8 Certificate of Discontinuance or Reduction of Compensation, the Board requires documentation to be submitted to substantiate the reduction/discontinuance. Failure to do so will result in a new WCB-8 needing to be filed.

REMINDER- Improper discontinuances continue to plague claim administrators during audits. Please remember:

- If the employee returns to work with restrictions (with the employer of injury), he/she must earn at or above his/her AWW in order to be discontinued unilaterally, i.e. without 21 days' notice. Don't rely on the employer stating that the employee is receiving "full pay," verify the wages. The auditor is going to check them in audit, and Section 205(3) penalties will be assessed for unpaid obligations.
- If the employee returns to work with an employer other than the employer of injury, or refuses to return to work, a WCB-8 21-day certificate must be used to discontinue benefits, even with a full-duty release. Please remember to include documentation with the form supporting the discontinuance or reduction of benefits. Failure to do so will result in a new WCB-8 needing to be filed.
- If there is concurrent employment, and no order, award, or compensation scheme, a WCB-8 21-day certificate must generally be filed to discontinue benefits. The exception would be if the injured employee returned to work with the employer of injury at or above his/her AWW (from all employers).